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THE SECRETARY OF STATE
WASHINGTON

September 7, 1961

MEMORANDUM FOR THE PRESIDENT

Subject: Washington Foreign Ministers' Conference and
Preparations for Berlin Negotiations

1. For various reasons, including the German elections and the problem of leaks, we are not yet in a position to come to grips with our Allies in developing basic negotiating positions. Internally, within the Department of State, we have given some thought to what these might be, but on a very restricted basis.
2. Hence, at the forthcoming meeting of the Four Western Foreign Ministers (scheduled to begin in Washington on September 14) and in the preparatory work to be done in the Four-Power Working Group, it would seem wise not to try, on American initiative, to go beyond the preparation of the Western opening position at any conference.
3. As far as our public position is concerned, you are in a reasonably good position, if pressed to say something on negotiations, to point out that it takes two sides to negotiate. We have indicated publicly that the Soviet peace treaty and the free city demands are unacceptable. People are generally aware that the United States favors entering into negotiations with the Soviets in order to attempt to seek a peaceful solution of the Berlin crisis, while at the same time we are increasing our military strength and urging our Allies to do likewise.
4. Under no circumstances should we attempt to discuss publicly the possible substance of our negotiating position until after the Foreign Ministers' meeting in mid-September. This is not a subject on which we should comment unilaterally.
5. After the Foreign Ministers' meeting it may be possible to put forward certain proposals, e.g., the possible all-German plebiscite, or to indicate that we have a revised version of the Western Peace Plan.
6. As far as our Allies are concerned, during the forthcoming meetings we contemplate stressing the immediate need to come up with an agreed revision of the Western Peace Plan, an agreed proposal for an all-German plebiscite, an all-Berlin proposal, a possible West Berlin plebiscite, and possibly certain refinements of Solution C with a view to defining what might be for us satisfactory practical arrangements which would safe-guard in fact the present system of access to Berlin.

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A.O. 11052 SEC. (2), (4), (5), AND (6)

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7. Enclosed are two versions of a modified Western Peace Plan for possible use in the forthcoming Four-Power meetings. There is also enclosed an all-Berlin proposal which was agreed tripartitely at Istanbul on May 1, 1960. This could be further refined. Some of the elements of an all-Berlin proposal are also contained in the Berlin section of one of the two versions of the modified Peace Plan.

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Enclosures:

Two Versions of a Modified
Western Peace Plan
An All-Berlin Proposal

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Tab A

Western Peace Plan
 (For Initial Presentation at Foreign Ministers' Conference)
 (New Language Underlined)

STAGE I

1. The Four Powers would establish a Four Power Commission for consultation among the parties to supervise the implementation of the agreement and to settle any disputes which might arise before the conclusion of a peace settlement with a reunified Germany and to discuss European security arrangements as provided below. (A fall-back position would be to attach German "advisers" to this Commission.)

2. With regard to Berlin, the Four Powers would agree that:

(a) The existing situation would be maintained in Berlin until the performance of the agreement of the Heads of Governments made in Geneva, July 23, 1955, "that the settlement of the German question and the reunification of Germany by means of free elections shall be carried out in conformity with the national interests of the German people and the interests of European security."

(b) Free and unrestricted access to West Berlin by land, water, and air should continue for all persons, goods and communications, including those of the forces stationed there, in accordance with the procedures in effect on June 30, 1961.

(c) The Four Powers would not increase their forces in Berlin beyond the numbers currently within the city.

(d) The Four Powers would not bring into the city nuclear weapons of any kind.

3. The Four Powers would enter into a non-aggression pact which would last so long as the arrangement regarding Berlin under 2, above, is being observed. When German unification is achieved, it would be replaced by more permanent arrangements to be devised in the Four Power Commission, as set forth below.

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4. In order to facilitate further the solution of political problems and the improvement of international relations, the Four Powers would, in the Four Power Commission referred to in paragraph 1, initiate discussion of staged and controlled measures to assure European security and to safeguard against attack in Europe. These measures would come into effect in Stages II and III of this Plan, as might be agreed by the Four Powers.

STAGE II

5. Bearing in mind the complex issues involved in reunification, a transitional period would be agreed. The Four Powers would set up a Mixed German Committee.

6. The Mixed Committee would consist of 25 members from the Federal Republic of Germany and 10 members from the so-called "German Democratic Republic". These members would be appointed by the Federal Government and the authorities of the so-called German Democratic Republic respectively.

7. The Mixed Committee would take its decisions by a three quarter majority.

8. The mixed Committee would be entrusted with the task of formulating proposals:

(a) To coordinate and expand technical contact between the two parts of Germany, and to increase mutually beneficial trade and credits between the two parts of Germany;

(b) To ensure the free movement of persons, ideas and publications between the two parts of Germany;

(c) To ensure and guarantee human rights in both parts of Germany;

(d) For a draft law providing for general, free and secret elections under independent supervision.

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9. The Mixed Committee would transmit any proposals made by it under subparagraphs (a) to (c) inclusive of paragraph 8 above to the appropriate authorities in both parts of Germany. Such proposals, if no objections are raised with respect of them, should be implemented as appropriate in both parts of Germany.

10. (a) Any agreed proposal for an electoral law in accordance with subparagraph (d) of paragraph 8 above would be submitted to a plebiscite in both parts of Germany.

(b) If any proposal for an electoral law obtained a majority of valid votes in each of the two parts of Germany, it would acquire the force of law and be directly applicable for the entire electoral area.

(c) The Four Powers would, at the time of signature of the agreement, expressly authorize the competent German authorities to promulgate any electoral law so approved.

(d) The Four Powers would adopt a statute providing for the supervision of the plebiscite.

11. If all-German elections had not been held on or before the termination of a thirty months' period beginning on the date of the signing of the agreement, the Four Powers would determine the disposition to be made of the Committee.

12. Not later than two and a half years after the signature of the agreement, elections for an all-German Assembly would be held in both parts of Germany under the terms of the electoral law drafted by the Mixed Committee, approved by the Four Powers and adopted by the German people in a plebiscite (in accordance with the provisions in Stage II above).

13. The elections would be supervised by a supervisory commission and supervisory teams throughout all of Germany. The commission and teams would be composed of either (a) United Nations personnel and representatives of both parts of Germany,

or (b)

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or (b) representatives of the Four Powers and representatives of both parts of Germany.

14. The all-German Assembly would have the task of drafting an all-German constitution. It would exercise such powers as are necessary to establish and secure a liberal, democratic and federative system.

15. As soon as an all-German Government has been formed on the basis of the above mentioned constitution it would replace the governments of the Federal Republic and the so-called German Democratic Republic and would have:

(a) full freedom of decision in regard to internal and external affairs, subject to the rights retained by the Four Powers as stipulated in paragraph 16 below;

(b) responsibility for negotiating, as soon as possible after its establishment, an all-German Peace Treaty.

16. Pending the signature of a Peace Treaty with an all-German Government formed on the basis of the all-German constitution, the Four Powers would retain only those of their rights and responsibilities which relate to Berlin and Germany as a whole, including reunification and a peace settlement and, as now exercised, to the stationing of armed forces in Germany and the protection of their security.

STAGE IV

Since a final Peace settlement can only be concluded with a Government representing all Germany, it should be concluded at this stage. The Settlement should be open to signature by all states members of the U.N. which were at war with Germany. The Settlement should enter into force when ratified by the Four Powers and by Germany.

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DRAFT OPENING PROPOSAL (Revision of Western Peace Plan)

1. The Governments of France, the UK and the US are convinced of the urgent need for a settlement of the German problem. They desire to seek, in such a settlement, progressive solutions which would bring about German reunification and security in Europe. Moreover they believe that progress on each of the problems of general disarmament, European security and a political settlement in Europe affects the degree of progress possible in the solution of each of the other problems.

They accordingly propose to the Government of the USSR an agreement between the Four Governments that would include the measures outlined below. The measures envisaged are closely inter-related, and the present proposals are therefore to be regarded as an inseparable whole.

A. A Four Power Commission

2. The Four Powers would establish a Four Power Commission for consultation among the parties, to supervise the implementation of the agreement, to settle any disputes

that might

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that might arise before the conclusion of a peace settlement, and to consider European security arrangements as provided below. German advisers would be attached to the Commission.

B. Berlin

3. With regard to Berlin, the Four Powers would agree that:

- (a) Berlin is one city and belongs to all Germany.
- (b) They will negotiate a status for Berlin which will last until reunification, and which will provide for the freedom and self-government of the city, for freedom of access to and from the city, and for presence of the external forces which are needed for the city's protection and desired by its inhabitants.
- (c) The Four Powers will negotiate concurrently about a new status for Berlin and about the proposals regarding Germany and European security made elsewhere in this Peace Plan. Any Four Power agreements reached on the proposals regarding Germany and European security, and particularly to create a Mixed German Committee or a Four Power Commission on European Security, shall not come into effect until the new arrangements for Berlin have been agreed to and have taken effect.

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C. All-German Matters

4. Bearing in mind the complex issues involved in a German settlement, the Four Powers would agree that preparatory measures during a transitional period be undertaken.

A Mixed German Committee would be created by the Federal Republic of Germany and the East German regime, with the approval of the Four Powers.

5. The Mixed Committee would consist of 25 members from the FRG and 19 members from the "DDR", appointed by the Federal Government and the East German authorities. It would take its decisions by a three-quarters majority.

a. The Mixed Committee would formulate proposals:

a. to coordinate and expand technical contacts between the two parts of Germany.

b. to safeguard the free movement of persons, ideas and publications between the two parts of Germany.

c. to increase mutually beneficial trade and credits, and mutual economic assistance programs between the two parts of Germany.

d. to safeguard human rights in both parts of Germany.

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e. to prepare the way for eventual economic and political integration.

f. to prepare a draft law for general, free and secret elections under independent supervision.

7. If agreement is reached in the Mixed Committee on an electoral law within a thirty month period, elections for an all-German assembly would be held under that electoral law as approved by the Four Powers and in an all-German plebiscite. The elections would be supervised by representatives of either (a) the UN and both the Federal Republic of Germany and the East German authorities, or (b) the Four Powers and both the Federal Republic of Germany and the East German authorities.

8. The Assembly would draft an all-German constitution to establish and secure a democratic federative system.

9. An all-German Government would be formed under the constitution, replacing the governments of the Federal Republic and the "DDR". It would have:

a. full freedom of decision in regard to internal and external affairs, subject to the rights retained by the Four Powers as stipulated in para. 11 below,

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and later to any limitations that might be included
in a peace treaty.

b. responsibility for negotiating an all-German
peace treaty.

10. If all-German elections had not been agreed on
before the termination of a thirty months period beginning
on the date of the signing of this agreement, the Four Powers
would determine the disposition to be made of the Committee.

11. Pending the signature of a peace treaty with an
all-German Government, the Four Powers would retain only
those of their rights and responsibilities which relate to
Berlin and Germany as a whole, including reunification and
a peace settlement and, as now exercised, to the stationing
of armed forces in Germany and the protection of their security.

D. European Security

12. The Four Powers, acting in the Four Power Commission,
would establish arrangements to assure European security and
safeguard against attack in Europe. These would become
effective coordinateley with progress toward a German settlement.
They would include agreements pledging the parties to settle

disputes

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disputes among themselves only by peaceful means, to refrain from the use of force in any manner inconsistent with the UN Charter, and to withhold military or economic assistance from any aggressor.

13. The Four Power Commission would seek to act, in association with other interested states, in formulating these security arrangements for Central Europe. It would keep in touch with disarmament negotiations in other forums, seeking to coordinate agreements reached in them with regional arrangements in Central Europe, both as to nature and timing.

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